

REMARKS

Reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments and remarks made herein.

Claims 1 and 3-13 and 15 are pending and stand rejected. Claims 2 and 14 have been cancelled without prejudice.

The drawing of the disclosure stands objected to under 37 CFR 1.84(p)(5). In response Applicant submits amended sections of the specification that corrects typographical errors. With the submission of these amendments, applicant believes that the reason for the examiner's objection to the abstract has been overcome. Applicant respectfully requests the objection be withdrawn.

Claims 1-4, and 7-15 stand rejected under 35 USC 102(e) as being anticipated by Mulla et al. (U.S. Patent Application 09467905 and now issued U.S. Patent No. 6,311,896). Claims 5-6 stand rejected under 35 USC 103(a) as being unpatentable over Mulla in view of Tracy (U.S. Patent No. 5,979,757).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

Claim 1, as amended, recites;

A wireless remote terminal apparatus comprising:

a label reader capable of reading information from a label, wherein the label is associated with a first product;

a communication unit capable of communicating information to one or more service nodes; and

a controller, coupled the label reader, the communication unit, arranged to receive information from the label reader, send a request to one or more of the service nodes through the communication unit, receive at least one competitive bid from an on-line retailer in response to the request from the service node, wherein the competitive bid relates to an on-line retailer's product similar to the first product and wherein the request and the competitive bid are formatted as documents capable of being exchanged in a distributed, decentralized environment, *wherein responsive to the received competitive bid, the controller is further arranged to allow a user to adjust the received competitive bid and send a counter offer to one or more of the service nodes.*

As indicated by the Office Action Mulla does not teach “ *wherein responsive to the received competitive bid, the controller is further arranged to allow a user to adjust the received competitive bid and send a counter offer to one or more of the service nodes,* as claimed in amended claim 1. Amended independent claims 10 and 12 recite similar limitations.

The Office Action indicates to would be obvious to send a counter offer to one or more of the service nodes. Applicants respectfully disagree. A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Mulla teaches that a product is scanned and "responses are received in the host terminal from one or more sellers including a sales offer; an acceptance is transmitted responsive to one of said sale offers..." see col. 11, lines 39-41. Only a limited number of actions can be taken by a user, see for example TABLE I. For example, a new scan and query can be preformed, however, *allowing a user to adjust the received competitive bid and send a counter offer to one or more of the service nodes*, as recited in the amended claims, is not among them.

With regard to claims 3-9, 11, 13 and 15, these claims depend from an independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 3-9, 11, 13 and 15 is also allowable by virtue of its dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: February 6, 2007

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